

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Asgrow Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (U.S.C. 542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

GARDEN BEAN

'Peak'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 19th day of November in the year of our Lord one thousand nine hundred and eighty-one.

Attest:

Simon K. Lee
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY XP-B108		1b. VARIETY NAME PEAK CW 7/15/81		FOR OFFICIAL USE ONLY PV NUMBER 8000121	
2. KIND NAME Garden Bean		3. GENUS AND SPECIES NAME Phaseolus vulgaris		FILING DATE 5/12/80	TIME 3:30 <u>P.M.</u>
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION September 1978		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 5/12/80 10/26/81
6. NAME OF APPLICANT(S) Asgrow Seed Company		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) Kalamazoo, MI 49001 9620-190-1		8. TELEPHONE AREA CODE AND NUMBER 616-385-6605	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION Deleware		11. DATE OF INCORPORATION March 22, 1968
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: John A. Batcha Asgrow Seed Company 9620-190-1 Kalamazoo, MI 49001					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☐ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?		
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "Yes," give name of countries and dates.)			

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO
17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.
- The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.
- Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.
- March 18, 1980

John A. Batcha

(SIGNATURE OF APPLICANT)

(DATE)

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

Asgrow Seed Company
Plant Variety Protection
Garden Bean XP-B108 = 'PEAK' cv 7/5/81
March 18, 1980

8000121

EXHIBIT A: Origin and Breeding History of XP-B108 Garden Bean.

The original cross, XP-B44 x Eagle, was made in 1971 and XP-B108 was developed by pedigree (line) selection from that cross. Individual single plant selections were made until 1977 when a promising F₇ family was bulked for testing and possible increase. Yield and observation trials in 1978 determined the value of the line and that year it was designated XP-B108. Additional trials in 1979 confirmed the previous year's results.

Observations indicate XP-B108 is uniform and stable.

EXHIBIT B: Novelty Statement Concerning XP-B108 Garden Bean.

= 'PEAK'

2/7/15/80

XP-B108 is a versatile bean that could be used by processors or for the fresh market. To our knowledge, the commercial variety that most closely resembles XP-B108 is Gator Green. Comparative characteristics that make XP-B108 a distinct variety include, but are not necessarily restricted to the following:

1. At any given sieve size, XP-B108 contains significantly less fiber than Gator Green as shown in trial data. (Table)
2. At any given sieve size, XP-B108 has a lower percent seed than Gator Green. (Table)
3. XP-B108 reaches a given sieve size distribution about two days earlier than Gator Green.
4. The genetic seed quality of XP-B108 is significantly better than that of Gator Green. Genetic seed quality is an inherent characteristic of a variety and may be measured by a procedure which correlates well with field germination. On a scale of 0-100, in which a rating of 100 is perfect, the following scores were observed for XP-B108 and Gator Green:

<u>Rep.</u>	<u>XP-B108</u>	<u>Gator Green</u>
I	66	22
II	85	5
III	69	27
IV	94	2
Ave.	79	14

Exhibit B: Novelty Statement Concerning XP-B108 Garden Bean
Attachment

= Peak ' m 7/15/81

Asgrow Seed Company
March 18, 1980

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1979 TRIAL DATA

Date	XP-B108			% Seed #5 Sieve	% Fiber	Gator Green			% Seed #5 Sieve	% Fiber
	Sieve Distribution 1,2,3	4	5			Sieve Distribution 1,2,3	4	5		
8/4	36	50	14	6	.005	22	48	30	13	.068
8/6	17	52	31	9	.039	19	39	42	12	.252
8/8	9	45	46	11	.074	14	30	56	15	.166
8/10	8	37	55	13	.112	15	36	48	20	.359

1978 TRIAL DATA

Date	XP-B108			% Seed #5 Sieve	% Fiber	Gator Green			% Seed #5 Sieve	% Fiber
	Sieve Distribution 1,2,3	4	5			Sieve Distribution 1,2,3	4	5		
8/2	31	55	14	6	.005					
8/6	25	51	24	7	.006					
8/7	13	42	45	14	.112					
8/8						24	52	24	15	.114
8/10						18	50	32	20	.262



Asgrow Seed Company

80-121

Transfer of Plant Variety Protection Act Rights

Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, receipt of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A. Braksik
Norman A. Braksik
President

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Bean)

OBJECTIVE DESCRIPTION OF VARIETY
BEAN (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S)

Asgrow Seed Company

FOR OFFICIAL USE ONLY

PVPO NUMBER

8000121

ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)

Kalamazoo, MI 49001
9620-190-1VARIETY NAME OR TEMPORARY
DESIGNATION

XP-B108 = PEAK

cb 7/8/84

Place numbers in the boxes (e.g.,) for the characters that best describe this variety. Measured data should be for SPACED PLANTS. Ranges may also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ The location of test area is Twin Falls

Idaho. Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible)

2 = Garden

2. MARKET MATURITY:

Days to edible pods

Days to green shells

Days to dry seeds

Heat units to edible pods

Heat units to green shells

Heat units to dry seeds

No. days earlier than

Same as ..

No. days later than

1 = Tendercrop
3 = Kinghorn Wax
5 = Michelite 62
7 = Bush Blue Lake 290

2 = Kentucky Wonder
4 = White Kidney
6 = Dwarf Horticultural
8 = Other (specify below)
Eagle

3. PLANT:

1 = Determinate

2 = Indeterminate

cm height

cm shorter than

Same as ..

comparison variety from above

cm taller than

cm spread

Number primary branches near base

cm narrower than

width same as ..

comparison
variety
from
above

Branching habit:

1 = compact 2 = open

cm wider than

Main stalk: 1 = brittle 2 = wirey

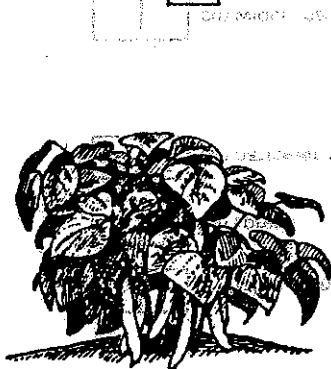
1 = stout 2 = thin

3. PLANT: (Cont'd)

☐ 3 Pod position: 1 = low 2 = high 3 = scattered

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☐ 3 Bush form (illustrated below):



1 = spherical bush form



2 = stem bush form



3 = wide bush form



4 = high bush form

5 = other (specify) _____

4. LEAVES:

☐ 2 1 = smooth 2 = wrinkled

☐ 1 1 = dull 2 = glossy

☐ 3 Size: 1 = small (Earliwax) 2 = medium 3 = large (Tendercrop)

☐ 2 Color: 1 = light green (as light or lighter than Bountiful) 2 = medium green
3 = dark green (as dark or darker than Bush Blue Lake 290)

5. FLOWERS:

☐ 1 Color: 1 = white 2 = cream 3 = pink 4 = lilac 5 = purple 6 = Other (specify) _____

☐ 3 ☐ 1 Days to 50% bloom

6. FRESH PODS: (Edible maturity, average for 20 pods)

☐ 2 Exterior color: 1 = light green (as light or lighter than Bountiful)
2 = medium green
3 = dark green (as dark or darker than Bush Blue Lake 290)
4 = light yellow (Brittlewax)
5 = golden yellow (Cherokee Wax)
6 = green-red variegated (Horticultural)
7 = other (specify) _____

% Sieve size distribution at optimum maturity for non-flat pods

Note:

1 = 4.76 mm to 5.76 mm 4 = 8.34 mm to 9.53 mm
2 = 5.76 mm to 7.34 mm 5 = 9.53 mm to 10.72 mm
3 = 7.34 mm to 8.34 mm 6 = 10.72 mm or larger

1	2	3	4	5	6
←		20	45	35	→

3 sieve ☐ ☐ cm length

☐ ☐ mm width

☐ ☐ mm thickness

4 sieve ☐ 1 ☐ 3 cm length

☐ 0 ☐ 9 mm width

☐ 0 ☐ 9 mm thickness

5 sieve ☐ ☐ cm length

☐ ☐ mm width

☐ ☐ mm thickness

6 sieve ☐ ☐ cm length

☐ ☐ mm width

☐ ☐ mm thickness

6. FRESH PODS: (Cont'd)

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☐ 3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart

☐ 2 Creaseback: 1 = present 2 = absent

☐ 2 Pubescence: 1 = none 2 = sparse 3 = considerable

☐ 2 Spur: 1 = straight 2 = slightly curved 3 = curved

☐ 1 Constrictions: 1 = none 2 = slight 3 = deep

☐ 2 Pod flesh: 1 = light 2 = medium 3 = dark

☐ 1 ☐ 3 mm spur length

☐ 2 Fiber: 1 = none 2 = sparse 3 = considerable

☐ 7 Number of seeds per pod

☐ 1 Surface: 1 = smooth 2 = rough

☐ 2 Suture string: 1 = present 2 = absent

☐ 2 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast

☐ 1 Machine harvest: 1 = adapted 2 = not adapted

☐ 2 Pod flavor: (1) Standard (Tendercrop)
(2) Mild Blue Lake (BBL 274)
(3) Strong Blue Lake (Pole FM1)
(4) Mild Romano (Roma)
(5) Strong Romano (Pole Romano)
(6) Other (specify) _____

7. SEED COAT COLOR:

☐ 1 1 = Monochrome 2 = Polychrome

☐ 2 1 = shiny 2 = dull

☐ 1 Primary color: 1 = white 2 = yellow 3 = buff 4 = tan

☐ Secondary color: 5 = brown 6 = pink 7 = red 8 = purple
9 = blue 10 = black 11 = other (specify) _____

☐ Color Pattern: 1 = none 2 = splashed 3 = mottled 4 = striped 5 = flecked 6 = dotted

☐ Secondary color location: 1 = hilar ring 2 = ventral surface
3 = sides 4 = dorsal surface
5 = not restricted to any area 6 = combination of location (specify below) _____

☐ Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

8. SEED SHAPE AND SIZE:

☐ 2 Hilum view: 1 = elliptical 2 = oval 3 = round

☐ 4 Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round

☐ 1 Side view:



1 = oval to oblong



2 = round



3 = reniform

8. SEED SHAPE AND SIZE: (Cont'd)

2 ☒ 1 = truncate ends

2 = rounded ends

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3 1 gm/100 seed

gm/100 seed lighter than

gm/100 seed same as

comparison variety from page one

0 3 gm/100 seed heavier than

8

9. ANTHOCYANIN: (1 = absent 2 = present)

1 Flowers

1 Stems

1 Pods

1 Seeds

1 Leaves

10. DISEASE RESISTANCE (0 = not tested 1 = susceptible 2 = resistant):

1 Anthracnose (specify race below)
Lambda

0 Fuscous blight

0 Rust (specify race below)

0 Red node virus

0 Powdery mildew

0 Pod mottle virus

0 Fusarium root rot

2 Bean common mosaic virus (specify strain below)
Common, NY 15

0 Pythium root rot

2 Mosaic mottle

0 Rhizoctonia root rot

1 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

0 Curly top

0 Bacterial wilt

Other (specify below)

1 Halo blight (specify race below)
race 2

11. INSECT RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Aphids

0 Root knot nematode

0 Leaf hopper

0 Seed corn maggot

0 Lygus

0 Thrips

0 Pod borer

0 Weevils

Other (specify below)

12. PHYSIOLOGICAL RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

MAY 12 1980

3:30 pm